




J. Craig Whitley
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

CALVIN RAY KENNEDY a/k/a
C. RAY KENNEDY and
CYNTHIA M. KENNEDY,

Debtors.

CASE NO. 20-30208
CHAPTER 11

CONSENT ORDER ENJOINING STATE COURT ACTION

THIS CAUSE, coming on to be heard and being heard before J. Craig Whitley, United States Bankruptcy Judge for the Western District of North Carolina, on January 11, 2022 on the hearing on confirmation of the Debtors' Second Amended Plan of Reorganization (doc #119);

It appearing to the Court that the Court has confirmed the Debtors' Second Amended Plan of Reorganization and that this Order is solely to address the pending state court action filed by Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely as Owner Trustee of Residential Credit Opportunities Trust II (hereinafter "Wilmington Savings") against Ramsey-Peele Corporation pending before the Clerk of Superior Court of Mecklenburg County, case #20-CVS-15335 (hereinafter "state court action");

It further appearing to the Court that Section 3.2.2f of the Amended Plan or Class 2 stays the state court action and enjoins Wilmington Savings from pursuing the state court action unless and until there has been a default under the terms of paragraph 3.2.2e of the Plan and until proper notice of a default has been given.

Based on the record herein and the consent of counsel, **IT HEREWITH IS ORDERED, ADJUDGED AND DECREED** as follows:

1. That the state court action is hereby stayed and that Wilmington Savings is hereby enjoined from proceeding in that action unless and until a default has occurred and until proper notice has been given as set forth in paragraphs 3.2.2d and e of the Amended Plan without cure; and

2. That Wilmington Savings is directed to file of a Notice of this Consent Order with the Clerk of Superior Court of Mecklenburg County and to serve the Trial Court Administrator with a copy of the same.

TO THE FOREGOING, WE CONSENT AND AGREE:

/s/ William Walt Pettit
William Walt Pettit
Attorneys for Wilmington Savings Fund Society, FSB d/b/a Christiana Trust, not in its individual capacity but solely as Owner Trustee of Residential Credit Opportunities Trust II

/s/ James H. Henderson
James H. Henderson
Attorney for Debtors

This Order has been signed electronically.
The Judge's signature and Court's Seal
appear at the top of the Order.

United States Bankruptcy Court